

REMARKS

Claims 21-23, 26, 27, and 30-32 are pending. Claims 26 and 27 are under examination. Without further addressing the merits of the rejections, claims 21-23, 26 and 30-32 have been canceled without prejudice to Applicant pursuing these claims in a related application. Claim 27 has been amended to independent form. New claims 33-65 have been added. Support for the amendments and new claims can be found throughout the specification and the claims as filed. In particular, support for new claims 33-38, 40-55 and 57-65 can be found, for example, in original claims 9, 10 and 21-23. Further support for new claims 40-55 and 57-65 can be found, for example, on page 19, lines 8-15. Support for new claims 39 and 56 can be found, for example, on page 23, lines 28-31, and page 28, lines 3-4. Accordingly, these amendments and new claims do not raise an issue of new matter and entry thereof is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

The rejection of claim 26 under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement is respectfully traversed. Applicant respectfully maintains, for the reasons of record, that the specification provides sufficient description and guidance for the claimed PAMP polypeptide. Nevertheless, Applicant submits that this rejection has been rendered moot by the cancellation of claim 26. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Rejection Under 35 U.S.C. § 102

The rejection of claim 26 under 35 U.S.C. § 102(b) as allegedly anticipated by Steward, Accession No. 046018 (1998), is respectfully traversed. Applicant respectfully submits that the claimed PAMP polypeptide is novel over Steward. Nevertheless, Applicant submits that this rejection has been rendered moot by the cancellation of claim 26. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Regarding the Indication of Allowable Subject Matter

Applicant appreciates the indication that claim 27 would be allowable if rewritten in independent form. Applicant points out that claim 27 has been amended to independent form.

It is also pointed out that new method claims 33-38 recite the limitations of claim 27. Per the discussion in the previous response and as indicated in the Office Action, Applicant respectfully requests rejoinder and allowance of method claims 33-38.

Applicant also points out that new claims 39-48 are directed to compositions, and new method claims 49-63 include the limitations of the compositions of claims 39-48.

In light of the amendments and remarks herein, Applicant submits that the claims are now in condition for allowance and respectfully requests a notice to this effect. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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